

**REMARKS/ARGUMENTS**

1. Applicant request continues examination of the instant case. Included  
herewith are a petition and associated fee for a one-month extension and the  
5 requisite fee for continued examination, both of which are commensurate with  
fees owed by a small entity. Applicant avers that it is a small entity.
2. The Office Action has rejected Claims 1 – 3 under 35 USC 102(b) as being  
anticipated by Tipsord et al (US Patent No. 2,871,282), hereinafter Tipsord  
10 '282. Applicant vehemently disagrees with the interpretation of the term  
"notch". Applicant notes that an applicant is allowed to be his own  
lexicographer so long as the definition proffered by the applicant is not  
repulsive to the normal meaning of the term.
- 15 3. Applicant claims an apparatus that includes a notch for accommodating an  
insulator. Tipsord has no such notch. Applicant notes that Tipsord '282 does  
not teach a notch. What the Office Action purports is a notch is really a  
drawing artifact that results from flanges (26 and 27) that protrude downward  
from two separate elements. One possible interpretation of Tipsord '282  
20 would be to read a longitudinal slot as a notch as Applicant here claims. This  
interpretation is completely incorrect. Tipsord '282 clearly indicates that the  
slot is longitudinal (i.e. "long") for accommodating a wire and insulator pins  
(see see Col 4; Lines 39 – 41). Applicant has further distinguished the  
claimed invention by limiting Claim 1 to an apparatus that includes a  
25 transverse notch through a single member. Applicant has also further  
clarified the claimed invention so that the transverse notch accommodates the  
insulator when the wire is engaged. In Tipsord '282, two members (20a and  
20b) form a complete housing for a wire that also fully envelopes an insulator.  
It should be noted that the item marked 57 in Tipsord '282 is actually an  
30 insulator pin (again see Col 4; Lines 39 – 41) and not the insulator itself. The

insulator itself sits atop the pin 57 and is enveloped by the two distinct elements 20a and 20b. Hence, under Tipsord '282 there is no accommodation of the insulator when the apparatus is fully engaged with the wire.

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4. Tipsord '282 does not teach the claimed invention in that there is no teaching of a transverse notch through a single member as now claimed by Applicant. Accordingly, Applicant respectfully requests that the rejection of Claims 1 – 3 be withdrawn in light of the foregoing discussion.

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5. Claim 4 has been rejected under 35 USC § 103(a), obviousness. The Office Action has based the rejection of Claim 4 on Tipsord '282 in view of Stirn (US 3,251,161). Applicant notes that Claim 1 has been distinguished from the art of record and that Claim 4, being dependent on Claim 1, cannot be held obvious in light of Applicant's showing that Claim 1 is non-obvious (*re Fine*, 837, F.2d 1071, 5 USPQ2d 1596, Fed. Cir. 1988).

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To support rejection of any claim under 35 USC § 103(a), the references cited in support of the rejection must satisfy the following criteria:

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1. There must be some motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings;
2. There must be a reasonable expectation of success; and
3. The prior art reference (or references when combined) must teach or suggest all the claim limitations.

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Applicant respectfully submits that the cited references do not offer any motivation to modify the references to make the claimed invention. Applicant also respectfully submits that the knowledge available to one of ordinary skill in the art would not have motivated the artisan to modify or combine the cited

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references to make the claimed invention. Further, the cited references do not teach or suggest all claim limitations of the claimed invention.

5 Applicant avers that Tipsord '282 does not teach a transverse notch for *accommodating an insulator when the wire is engaged*. Hence, the first part of the *prima facie* case for obviousness is not satisfied and the rejection of Claim 4 must be withdrawn.

10 Applicant also notes that the Office Action has not put forth a convincing line of reasoning as to why a particular artisan would have been motivated to combine the teachings of Tipsord '282 and Stirn '161. All that the Office Action has done is to indicate that "it would have been obvious" and this alone has been held as insufficient in establishing a convincing line of reasoning.

15 1. Claim 6 has been rejected under 35 USC § 103(a), obviousness. The Office Action has based the rejection of Claim 6 on Tipsord '282 in view of Stirn ('161) in further view of US Patent 5,433,029 issued to Donoho, et al. (hereinafter Donoho).

20 Applicant notes that Claim 1 has been distinguished from the art of record and that Claim 6, being dependent on Claim 1, cannot be held obvious in light of Applicant's showing that Claim 1 is non-obvious (*re Fine, 837, F.2d 1071, 5 USPQ2d 1596, Fed. Cir. 1988*).

25 To support rejection of any claim under 35 USC § 103(a), the references cited in support of the rejection must satisfy the following criteria:

4. There must be some motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings;
- 30 5. There must be a reasonable expectation of success; and

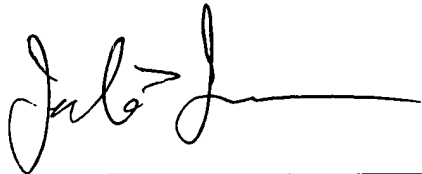
6. The prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicant respectfully submits that the cited references do not offer any motivation to modify the references to make the claimed invention. Applicant also respectfully submits that the knowledge available to one of ordinary skill in the art would not have motivated the artisan to modify or combine the cited references to make the claimed invention. Further, the cited references do not teach or suggest all claim limitations of the claimed invention.

Applicant avers that Tipsord '282, Stirn '161 and Donoho '029 do not teach the claim limitation of a cylindrical member comprising a notch. Hence, the first part of the *prima facie* case for obviousness is not satisfied and the rejection of Claim 6 must be withdrawn.

6. Based on the foregoing, Applicant considers the present invention to be distinguished from the art of record. Accordingly, Applicant respectfully solicits the Examiner's withdrawal of the rejections raised in the above referenced Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States patent.

Respectfully Submitted,



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